

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

KAYLA POWELL,

Plaintiff,

vs.

Case No. 2:12-CV-01066 RB/CG

THE BOARD OF EDUCATION OF
ROSWELL INDEPENDENT SCHOOL DISTRICT
and DAVID LAWRENCE, in his individual capacity,

Defendants.

**ORDER GRANTING DEFENDANTS' JOINT MOTION FOR
INDEPENDENT MENTAL EXAMINATION OF KAYLA POWELL**

THIS MATTER having come before the Court on Defendants' joint motion for independent mental examination of Kayla Powell on Friday, May 24, 2013, the Plaintiff being represented by her attorney, Branden Egan, Rothstein Law Firm; The Board of Education of Roswell Independent School District being represented by its attorney, Jerry A. Walz, Walz and Associates, P.C.; and Defendant David Lawrence being represented by his attorneys, Kevin Brown and Desiree Gurule, Brown Law Firm, the Court having reviewed Defendants' *Joint Motion For Independent Mental Examination of Kayla Powell* [Doc. 43], *Plaintiff's Response to Defendants' Joint Motion to Compel Independent Mental Evaluation of Kayla Powell* [Doc. 53]; and Defendants' *Reply to Plaintiff's Response to Joint Motion for Independent Mental Examination of Kayla Powell* [Doc. 57]; and the Court having heard argument and being fully informed in the premises hereby **ORDERS** as follows:

Plaintiff Kayla Powell shall undergo a Rule 35 Independent Mental Examination to be conducted by Anne Rose, Ph.D. The examination shall take place at the Albuquerque, NM office of Dr. Rose. No third-party witness or counsel shall be

permitted to attend the IME. A third-party or Plaintiff's legal counsel may wait outside of the examination area and may speak to Plaintiff during any scheduled break period(s). Any such conversations shall not disrupt the examination process and may only occur during scheduled break periods.

The examination will occur over the course of two consecutive days. Each day of the examination will consist of testing and interviews and shall not exceed four hours per examination day. Dr. Rose shall not be limited as to the scope of inquiry or discussion with Plaintiff of any facts, background information, or other topics which Dr. Rose believes, in her professional discretion, are necessary to perform a thorough and accurate examination of the Plaintiff. Dr. Rose shall audiotape the interview portion(s) of the evaluation. The interview audio recording along with the written notes of Dr. Rose concerning the interview(s) of Plaintiff shall be made available to all parties within a reasonable time upon completion of the examination. Test data and related materials shall be produced to a licensed psychologist of the Plaintiff's choice within a reasonable time upon completion of the examination. Defendants shall jointly pay a witness fee and mileage pursuant to 28 U.S.C. § 1785 and shall reimburse the Plaintiff for the reasonable costs of lodging and meals during the time that Plaintiff is required to be in Albuquerque, NM for the examination. The dates of the examination shall be mutually agreed upon by the parties.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE

APPROVALS:

/s/ electronically approved 05/30/13

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/s/ Desiree D. Gurule 05/30/13

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